

**IN THE UNITED STATES BANKRUPTCY COURT
Eastern District of Virginia
Richmond Division**

**In re: Brenda D. Lee
Debtor**

**Case No. 17-33176-KLP
Chapter 13**

Address: 157 Bobcat Lane
Little Plymouth, VA 23091

Last four digits of Social Security No: xxx-xx-2155 (Debtor)

NOTICE OF OBJECTION TO CLAIM

The above named Debtor has filed an Objection to Claim in this bankruptcy case.

Your claim may be reduced, modified or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the Court to eliminate or change your claims, then no later than 30 days from the date of this notice, you or your attorney must:

File with the Court a written response to the objection, explaining your position, at:

Clerk of Court
United States Bankruptcy Court
701 E. Broad Street, Room 4000
Richmond, VA 23219

If you mail your response to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above.

You must also send a copy to:

Boleman Law Firm, P.C.
P.O. Box 11588
Richmond, VA 23230-1588

Mark C. Leffler (VSB #40712)
Boleman Law Firm, P.C.
P.O. Box 11588
Richmond, VA 23230-1588
Telephone (804) 358-9900
Counsel for Debtor

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

Dated: February 5, 2018

BOLEMAN LAW FIRM, P.C.
Counsel for Debtor

By: /s/ Mark C. Leffler
Mark C. Leffler (VSB #40712)
Boleman Law Firm, P.C.
P.O. Box 11588
Richmond, VA 23230-1588
Telephone (804) 358-9900
Counsel for Debtor

CERTIFICATE OF SERVICE

I certify that on February 5, 2018 a copy of the foregoing has been sent to the Chapter 13 Trustee via the Court's CM/ECF system and mailed via first class mail to the following:

LVNV Funding, LLC
c/o Resurgent Capital Services
P.O. Box 10587
Greenville, SC 29603-0587

Brenda D. Lee
157 Bobcat Lane
Little Plymouth, VA 23091

/s/ Mark C. Leffler
Counsel for Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
Eastern District of Virginia
Richmond Division**

**In re: Brenda D. Lee
Debtor**

**Case No. 17-33176-KLP
Chapter 13**

**OMNIBUS OBJECTION TO CLAIMS NO. 8-1, 9-1, 10-1, 11-1, and 12-1
AND MEMORANDUM IN SUPPORT**

Pursuant to FRBP 3007(e), NOTICE IS GIVEN that claimants receiving this Objection should locate their names and claims in the Objection. The only claimant subject to this pleading is LVNV Funding, LLC, which filed claims assigned by the Court as Claims No. 8-1, 9-1, 10-1, 11-1, and 12-1 and the details pertinent to each claim are found on page 2 herein. The objector is Brenda D. Lee, the Debtor in this case, and her grounds for objecting to each claim are that the purported debts may not be enforced against her pursuant to Va. Code § 8.01-246(2).

COMES NOW, Brenda D. Lee, by counsel, and file this Omnibus Objection to the Proof of Claims 8-1, 9-1, 10-1, 11-1, and 12-1 filed by LVNV Funding, LLC ("LVNV") pursuant to 11 U.S.C. § 502, Federal Rules of Bankruptcy Procedure 3001, 3007 and 9014, and Local Bankruptcy Rules 3007-1 and 9013-1. In support of her objection, Debtor respectfully states the following:

Jurisdiction

1. Jurisdiction of this Court over the instant matter is based upon 28 U.S.C. §§1334 and 157 in that this action arises in and relates to the bankruptcy case of the Debtor, a chapter 13 case having been filed in this Court on June 21, 2017.

2. This proceeding is a core proceeding under 28 U.S.C. §157(b)(2)(A), (B), (K), and (O).

3. Venue is proper pursuant to 28 U.S.C. §1409.

Mark C. Leffler (VSB #40712)
Boleman Law Firm, P.C.
P.O. Box 11588
Richmond, VA 23230-1588
Telephone (804) 358-9900
Counsel for Debtor

Parties

4. Brenda D. Lee (hereinafter the “Debtor”) is the debtor in this case.

5. Respondent LVNV is a foreign limited liability company that filed five (5) proofs of claim in the instant case.

The Proofs of Claim At Issue

6. The Claims objected to herein are as follows:

<u>Claimant</u>	<u>Claim No.</u>	<u>Status</u>	<u>Amount</u>
LVNV	8-1	Nonpriority unsecured	\$722.86
LVNV	9-1	Nonpriority unsecured	\$673.40
LVNV	10-1	Nonpriority unsecured	\$617.34
LVNV	11-1	Nonpriority unsecured	\$555.23
LVNV	12-1	Nonpriority unsecured	\$1,009.62

7. LVNV filed five (5) proofs of claim designated by the Court as Claims 8-1, 9-1, 10-1, 11-1, and 12-1, respectively (“the Claims”). An attachment to each of LVNV’s Proofs of Claim states the following dates as the date of last payment on the accounts, both of which were more than five (5) years before the Petition Date:

- a. As to Claim 8-1, 05/27/2007;
- b. As to Claim 9-1, 01/31/2006;
- c. As to Claim 10-1, 12/08/2006;
- d. As to Claim 11-1, 11/30/2005; and
- e. As to Claim 12-1, 12/30/2005.

Discussion

8. Pursuant to 11 U.S.C. § 502(a), a claim is “deemed allowed, unless a party in interest . . . objects.”

9. Pursuant to 11 U.S.C. § 502(b)(1), where an objection is made to a claim, the Court “shall determine the amount of such claim . . . and shall allow such claim in such amount,

except to the extent that . . . [] such claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law”

Objection to Claim

10. Debtor objects to LVNV Funding, LLC’s claims on the grounds that none of these debts may be enforced against her in any amount because Virginia Code § 8.01-246(2), bars any recovery against her. *See In re Lewis*, 517 B.R. 615, 621-622 (Bankr. E.D. Va. 2014).

WHEREFORE, Debtor respectfully requests that the Court sustain this Omnibus Objection to Claim, disallow the claims, and order such other and further relief as is just and proper.

Respectfully submitted,
Brenda D. Lee
By Counsel

/s/ Mark C. Leffler
Mark C. Leffler (VSB #40712)
Boleman Law Firm, P.C.
P.O. Box 11588
Richmond, VA 23230-1588
Telephone (804) 358-9900
Counsel for Debtor

CERTIFICATE OF SERVICE

I certify that on February 5, 2018 a copy of the foregoing has been sent to the Chapter 13 Trustee via the Court’s CM/ECF system and mailed via first class mail to the following:

LVNV Funding, LLC
c/o Resurgent Capital Services
P.O. Box 10587
Greenville, SC 29603-0587

Brenda D. Lee
157 Bobcat Lane
Little Plymouth, VA 23091

/s/ Mark C. Leffler
Counsel for Debtor